

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ISABEL ZABAN-GUTIERREZ,

Defendant.

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8:06CR405

ORDER

Before the court is defendant's unopposed MOTION FOR LEAVE TO FILE PRETRIAL MOTIONS OUT OF TIME [13] and MOTION TO CONTINUE TRIAL [14]. For good cause shown, I find that the motions should be granted. Pretrial Motions shall be filed by February 23, 2007. The trial date is cancelled and will be set by further order of the court.

**IT IS ORDERED:**

1. Defendant's MOTION FOR LEAVE TO FILE PRETRIAL MOTIONS OUT OF TIME [13] is granted. Pretrial motions shall be filed on or before **February 23, 2007**.
2. Defendant's MOTION TO CONTINUE TRIAL [14] is granted. Trial will be rescheduled by further order of the court.
3. Defendant is ordered to file a waiver of speedy trial as soon as practicable.
4. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional time arising as a result of the granting of the motion, i.e., **the time between January 4, 2007 and February 23, 2007**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel required additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

**DATED this 25<sup>th</sup> day of January, 2007.**

**BY THE COURT:**

**s/ F.A. Gossett  
United States Magistrate Judge**